

## *Village of North Freedom*

103 North Maple St. P.O. Box 300  
North Freedom, WI 53951

WHEREAS, The Village of North Freedom has a Zoning Ordinance and;

WHEREAS, several parcels were found to be zoned incorrectly, the North Freedom Plan Committee held a Public Hearing and now recommends the following amendments to the Zoning Map:

1. Tax Parcel 207, 106 Freedom Street be changed from Mixed Use(B2) to Commercial (C1).
2. Tax Parcel 103, 206 East Walnut Street be changed from Industrial Use(M1) to Commercial (C1) .
3. Tax Parcel 132, 103 East Walnut Street be changed from Mixed Use(B2) to Multi-family Residential (R2) .
- k.* Tax Parcels 105-106, 200 East Walnut Street be changed from Mixed Use(B2) to Commercial w/ conditional use(C1).
5. Tax Parcel 138, 201 East Walnut Street be changed from Mixed Use(B2) to Commercial w/conditional use(C1).
6. Tax Parcel 137, 203 East Walnut Street be changed from Mixed Use(B2) to Commercial w/conditional use(C1).
7. Tax Parcel 124, 109 East Walnut Street be changed from Mixed Use(B2) to Commercial w/conditional use(C1).
8. Tax Parcel 112, 110 East Walnut Street be changed from Commercial Use(B2) to Commercial w/ conditional use(C1) .
9. Tax Parcel 57, 111 North Oak Street be changed from Commercial Use(C1) to Residential Use(R1) .
10. Tax Parcel 213, 405 East Walnut Street be changed from Mixed Use(B2) to Residential Use w/non-conforming Use(R1) .

WHEREAS, The North Freedom Village Board has reviewed the request for the amendments made by the Village Land Plan Committee,

NOW THEREFORE BE IT RESOLVED, that the Village Board of North Freedom does approve and authorize said amendments to the Zoning Map .

This resolution was adopted and approved on a motion presented by Mike Cariignan — seconded by Kim Kaney —

Dated this 11<sup>th</sup> day of November, 1997

APPROVED: Oscar Baumgarten  
Village President

Attest: Nancy Larson  
Village Clerk/Treasurer

VILLAGE OF NORTH FREEDOM  
ZONING ORDINANCE  
CHAPTER 16

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## VILLAGE OF NORTH FREEDOM ZONING ORDINANCE

THE VILLAGE BOARD OF THE VILLAGE OF NORTH FREEDOM, SAUK COUNTY, WISCONSIN DO ORDAIN AS FOLLOWS:

### SECTION 1 - INTRODUCTION

#### 1.1 AUTHORITY

These regulations are adopted under the authority granted by Sections 61.35 and 62.23 of the Wisconsin Statutes.

#### 1.2 PURPOSE

The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics and general welfare of this community.

#### 1.3 INTENT

It is the general intent of this ordinance to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities, stabilize and protect property values; further the appropriate use of the land and conservation of natural resources; preserve and promote the beauty of the community. It is further intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation.

#### 1.4 ABROGATION AND GREATER RESTRICTING

It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to laws. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

#### 1.5 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

1.6 SEVERABILITY

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court or competent jurisdiction, the remainder of this ordinance shall not be affected thereby,

1.7 REPEAL.

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed,

1.8 TITLE

This Ordinance shall be known as, referred to, or cited as the "Zoning Ordinance, Village of North Freedom, Wisconsin".

1.9 EFFECTIVE DATE

This Ordinance shall be effective after a public hearing, adoption by the Village Board of Trustees, and publication or posting as provided by law. Date of Publication: June 28 and July 5 1996.

## SECTION 2 - GENERAL PROVISIONS

### 2.1 JURISDICTION

The jurisdiction of this Ordinance shall include all lands and waters within the corporate limits of the Village of North Freedom plus extra territorial lands as provided in the Extra-Territorial Land Use Plan, (from here forward referred to as simply the Land Use Plan).

### 2.2 VILLAGE PLANNING COMMITTEE DESIGNATED

A Village Planning Committee is hereby created as the Village Plan Commission to carry out the intent of the Village of North Freedom Zoning Ordinance. The makeup of the Committee and its powers and duties shall be prescribed by Chapter 62.23 of the Wisconsin Statutes. The Plan Committee shall be comprised of 3 Village trustees appointed by the Village President.

### 2.3 ZONING ADMINISTRATOR DESIGNATED

The Village Board will act as the administrator and enforcement officer for the provisions of this Ordinance. Their duties shall be to interpret and administer this Ordinance and to issue, after on-site inspection, all permits required by this Ordinance.

The Board shall investigate all complaints, give notice of violations, issue order to comply with the Zoning Ordinance, and assist the Village Attorney in the prosecution of ordinance violators. As Administrators, any trustee may enter at any reasonable time onto any public or private lands or waters to make a zoning inspection.

### 2.4 COMPLIANCE

No structure shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this Ordinance and all other applicable local, county and state regulations. No Building Permit shall be issued where the proposed structure or use does not comply with the provisions of this ordinance.

### 2.6 SITE RESTRICTIONS

No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Plan Committee by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community.

The Village Plan Committee, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses, the applicant shall have an opportunity to present evidence contesting such unsuitability. Thereafter the Village Plan Committee may affirm, modify, or withdraw its determination of unsuitability. All lots shall abut upon a public street, and each lot shall have a minimum frontage of 66 feet with the exception of existing improved lots as of the date of passage of this Ordinance. All principal structures shall be located on a lot and only one principal structure shall be located, erected, or moved onto a lot. As a further exception new lots abutting a street on a cul-du-sac need to have a minimum of 30 feet frontage and with a minimum, provided minimum lot area is or exceeds 6600 square feet.

## 2.7 USE RESTRICTIONS

The following use restrictions and regulations shall apply:

- a. Principal uses. Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.
- b. Accessory Uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business except for home based businesses as defined in this document. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's, owners, itinerant agricultural laborer's and watchman's quarters not for rent; private swimming pools; and private emergency shelters. There shall be no more than two accessory uses per lot unless an applicant has received permission from the Village Planning Committee to have more than two accessory uses.
- c. Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing and approval by the Village Board in accordance with Section 4.
- d. Unclassified or Unspecified Uses may be permitted by the Village Board, provided that such uses are similar in character to the principal uses permitted in the district.
- e. Temporary Uses such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Board of Zoning Appeals.

2.8 MOBILE HOMES

No Type I manufactured homes (other than nonconforming structures) shall be permitted to be used as permanent residences within the Village unless they are located in a mobile home park (Also see Section 6).

2.9 REDUCTION OR JOINT USE

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.

2.10 VIOLATIONS

It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this Ordinance or to violate conditions placed on conditional uses. In case of any violation the Village Board, or any property owner who would be specifically damaged by such violations *may* institute appropriate action or proceeding to enjoin a violation of this Ordinance.

2.11 PENALTIES

Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00 and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the Counts Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a offense.

## SECTION 3 - ZONING DISTRICTS

### 3.1 ESTABLISHMENT

For the purpose of this Ordinance, the Village of North Freedom is hereby divided into the following nine zoning districts:

R-1 Single Family Residential District  
R-2 Multi Family Residential District  
G-1 Government/Institutional District  
C-1 General Commercial District  
B-2 Mixed District  
M-1 Industrial District  
A-1 Undeveloped Land  
REC Recreation District  
GWP Groundwater Protection Overlay District

- a. Boundaries of These Districts are hereby established as shown on a map entitled "Land Use - Village of North Freedom, Wisconsin" dated February 7, 1995 which accompanies and is part of this Ordinance. Such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements and railroad rights-of-way or such lines extended; unless otherwise noted on the Land Use Map.
- b. Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- c. Annexations to or consolidations with the Village subsequent to the effective date of this Ordinance shall be placed in the appropriate district in accordance with the Extra Territorial Land Use Plan, unless an annexation ordinance temporarily places the land in another district. Within one year the Village Board shall evaluate and approve a permanent district classification.

### 3.2 LAND USE MAP

A certified copy of the Land Use Map shall be adopted and approved with the text as part of the ordinance and shall bear upon its face the attestation of the Village President and Village Clerk and shall be available to the public in the office of the Village Clerk. Changes thereafter to the districts shall not be effective until entered and attested to on this certified copy.

### 3.3 SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)

The R-1 Single Family Residential District is intended to provide a quiet, pleasant, and relatively spacious living areas protected from traffic hazards and the intrusion of incompatible land uses.

The following uses are permitted in this district:

- a. Single family dwellings
- b. Horticulture and gardening, but not including commercial greenhouses
- c. Telephone, telegraph and power transmission towers, pole and lines, including transformers, substations, equipment housings and other necessary appurtenant equipment and structures (excludes service garages and storage yards)
- d. Water storage facilities and their accessory structures
- e. Signs advertising a permitted home occupation 01 professional office shall be permitted. Such signs shall not exceed six square feet in gross area, shall be attached to the building, and if illuminated shall be indirectly lighted. No more than one such sign for each use located on the premises shall be permitted.
- f. Private garages, carports and paved parking areas where located on the same lot and not involving the conduct of a business, except as a permitted household occupation 01 conditional use, provided that no such garages shall be erected prior to the erection of the principal building to which it is accessory.

The following uses are permitted as conditional uses within this district:

- a. Two family dwellings
- b. Farm buildings on an existing farm, provided that the buildings in which farm animals are kept shall be at least 100 feet from the nearest residence on a non-farm lot
- c. Permitted home occupations and professional offices when incidental to the principal residential use, situated in the same building, and carried on by the residential occupant, subject to the following conditions:
  - Such use shall not occupy more than 20% of the classified floor area of the principal building in which it is located
  - Such use shall not employ more than one person not a resident on the premises
  - Any off-street parking area shall be maintained reasonably dustless, and adequately screened from adjoining residential properties
  - Such use shall not include the conduct of any retail or wholesale business on the premises, nor the removal of sand, gravel, stone, topsoil, or peat moss for commercial purposes
  - Such use shall not include the operation of any machinery, tools, or other appliances, or the outside

storage of materials or other operational activity any of which would create a nuisance or be otherwise incompatible to the surrounding residential area

d. Public park and recreation areas, churches, schools historic sites, public museum, and municipal buildings

Within the R-1 district the following standards shall apply

a. Maximum Building Height:	25 ft.
b. Minimum Front Yard Setback from Highway or Street Right-of-way: (Note: More restrictive standards may be imposed by state and county regulations in certain circumstances where lots abut on state or county highways.)	10 ft.
c. Minimum Rear Yard Setback:	
Principal buildings:	10 ft.
Accessory buildings:	10 ft.
d. Minimum Side Yard Setback:	
Principal buildings:	10 ft. ea. side
Accessory buildings:	10 ft. ea. side
e. Minimum Lot Width:	66 ft.
f. Minimum Lot Area for Single Family:	6,600 s.f.
g. Minimum Lot Area for 2-Family:	9,900 s.f.
h. Minimum Floor Area:	1,000 s.f.
i. Off-Street Parking, Residential:	2 space/per dwelling unit

### 3.4 MULTI-FAMILY RESIDENTIAL DISTRICT (R-2)

The R-2 Multi-Family Residential District is intended to provide a living area that is pleasant but not so spacious as the R-1 District.

The following uses are permitted in this district:

- a. Single and two-family dwellings.
- b. Multiple family residential units.
- c. Public park and recreation areas, churches, schools historic sites, and public museums.
- d. Horticulture and gardening, but not including commercial greenhouses.
- e. Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, equipment housings and other necessary appurtenant equipment and structures (excluding service garages and storage yards).
- f. Water storage facilities and their accessory

structures.

- g. Signs advertising a permitted home occupation or professional office shall be permitted. Such signs shall not exceed six square feet in gross area, shall be attached to the building, and if illuminated shall be indirectly lighted. No more than one such sign for each use located on the premises shall be permitted.
- h. Private garages, carports and paved parking areas when located on the same lot and not involving conduct of a business, except as a permitted household occupation or conditional use, provided that no such garages shall be erected prior to erection of the principal building to which it accessory.

The following uses are permitted as conditional uses within this district:

- a. Rooming and boarding houses.
- b. Public buildings, except sewage plants, garbage incinerators, warehouses, garages, shops, storage yards.
- c. Cemeteries.
- d. Libraries, museums and art galleries.
- e. Hospitals and clinics.
- f. Funeral homes.
- g. Uses customarily incidental to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.
- h. Permitted home occupations and professional offices when incidental to the principal residential use, situated in the same building, and carried on by residential occupant, subject to the conditions set forth under Section 3.3.

Within the R-2 district the following standards shall apply:

- a. Maximum Building Height 35 ft.
- b. Minimum Front Yard Setback from Highway or Street Right-of-way: 20 ft. from street right of way  
(NOTE: More restrictive standards may be imposed by state and county regulations in certain circumstances where lots abut on state and county highways.)
- c. Minimum Rear Yard Setback:  
Principal buildings: 25 ft.  
Accessory buildings: 10 ft.
- d. Minimum Side Yard Setback:  
Single or 2-Family Building: side 10 ft. ea.  
Multi-family Building: side 15 ft. ea.  
Accessory Buildings: side 10 ft. ea.
- e. Minimum Lot Width: 66 ft.

- f. Minimum Lot Area for Single Family: 6,600 sq. ft.
- g. Minimum Lot Area for 2-Family: 10,000 sq. ft.
- h. Minimum Lot Area for Multi-Family Unit  
 13,200 sq. ft plus 2,000 sq. ft. per efficiency  
   2,500 sq. ft. per 1-bedroom  
   3,000 sq. ft. per 2-bedroom
- i. Minimum Floor Area:  
 Single family home: 850 sq. ft.  
 Multi-family unit: 600 sq. ft.
- j. Off-Street Parking, Residential: 1 space per residential unit

### 3.5 MOBILE HOME RESIDENTIAL DISTRICT (R-2)

The Mobile Home Residential District is intended to provide areas for planned mobile home parks within the Village of North Freedom.

The following uses are permitted in this district:

- a. Mobile home parks which are developed exclusively for mobile home usage with the exception of community buildings, laundry facilities, or other common use buildings which are auxiliary to the residential use of the development.

The following uses are permitted as conditional uses within this district:

- a. None

Within the R-2 Mobile Home Residential district the following standards shall apply:

- a. Minimum Lot Area & Width: 2-acre minimum lot area and 150 feet minimum lot width.
- b. Yard and Buffering and Screening Requirements: There shall be a strip of land at least 15 feet in width around the entire perimeter of the park where no mobile home lots or common use structures may be permitted. This strip of land shall be landscaped to provide vegetation screening of the mobile home park. All exposed ground within a mobile home park which is not surfaced for access road, parking, recreation, or patio shall be landscaped and maintained.
- c. Density and Lot Creation Requirements: There shall be a maximum of seven mobile home dwelling units per gross acre of mobile home park area. The space for each unit shall be a minimum of 45' x 100'. Each mobile home shall be a minimum of

15 feet from any other mobile home or any other structure. Each mobile home shall be set back minimum of 20 feet from abutting access streets or roads for the respective lot. Each mobile home shall be set back a minimum of 25 feet from public street right-of-way.

- d. Maximum Number of Mobile Homes in a Mobile Home Park:
- e. Required Recreation Areas: Recreation areas shall be provided for each mobile home park. The recreation area shall be a minimum of 8% of the gross area of the mobile home park. The recreation area shall be centrally located and shall have safe access to and from all lots in the mobile home park.
- f. Access Roads and Parking Spaces: Internal access roads and parking spaces must be incorporated into the site plan for each mobile home park. The entrance or entrances to mobile home parks shall be designed and located so as to provide safe access and allow free movement of traffic on adjacent streets. Each mobile home lot shall have access to public streets via an internal private access road system built and maintained by the mobile home park. Internal access roads shall be no less than 30 feet wide.
- g. Central Service Building: All mobile home parks shall be provided with a multiple-use service building which can function as a tornado shelter for the residents of the park. Such a service building shall be of masonry construction or shall have a basement so as to provide adequate emergency shelter.
- h. Mobile Home Installation and Utilities: All mobile homes shall be anchored and tied down. Skirting or foundations shall be provided for all mobile homes. All hitches shall be removed from mobile homes after placement in a mobile home park. All utilities shall be underground.

### 3.6 CENTRAL BUSINESS DISTRICT (CBD) - (B-1)

The purpose of this district is to encourage the grouping of compatible businesses that will aid in further developing the downtown area as a retail service center.

The following uses are permitted in this district.

- a. Art and school supply stores;
- b. Automotive servicing repairs and sales;
- c. Antique shops;
- d. Hotels and motels;
- e. Appliance stores;
- f. Barber shops and beauty parlors;
- g. Banks and other financial institutions;
- h. business and professional;

- i. candy and ice cream stores;
- j. caterers;
- k. clothing repair shops;
- l. clinics;
- m. clubs, cocktail lounges;
- n. confectioneries, delicatessens;
- o. department stores;
- p. drug stores;
- q. electrical supply;
- r. food stores;
- s. furniture stores;
- t. gasoline stations;
- u. heating supply;
- v. ice delivery stations;
- w. insurance agencies;
- x. jewelry stores;
- y. medical clinics;
- z. newspaper offices;
- aa. opticians and optical stores;
- bb. paint stores, retail only;
- cc. parking facilities;
- dd. photographic studios;
- ee. professional offices;
- ff. small animal hospitals
- gg. tourist information and hospitality centers;
- hh. undertaking establishments;
- ii. upholsterer's shops;
- jj. variety stores;
- kk. any other similar retail uses not specifically listed above which are compatible with established uses on adjoining properties. Also dwelling units above the ground floor.

The following uses are permitted as conditional uses within this district:

Taverns with permit by Village Board.

Within the B-1 district the following standards shall apply;

- a. Minimum Lot Area and Width: There shall be no required minimum lot area or width.
- b. Maximum Building Height; Two stories or 30 feet.
- c. Minimum Yards; There shall be no required yards within the B-1 District unless the parcel is adjacent to a residential use, in which case the side and rear yard requirements of the R-1 District shall apply to the side adjoining the residential use.

The following uses are not permitted within this District:

- a. Lawn and garden services;
- b. Agricultural services;
- c. General building contractors;

- d. General Contractors - heavy construction
- e. Special trade contractors;
- f. Motor freight transportation and warehousing;
- g. Wholesale trade, durable goods and nondurable goods;
- h. Retail trade-building materials, lawn and garden supply;
- i. Mobile home dealers;
- j. Boat dealers;
- k. Recreation and utility trailer dealers; 1. Motor vehicle dealers;
- m. Automotive repair, services, and garages;
- n. Miscellaneous repair services;
- o. Bowling alleys, pool halls and handball racquetball clubs.

### 3.8 INDUSTRIAL DISTRICT (M1)

The purpose of this district is to provide appropriate areas within the Village limits for manufacturing and related activities that strengthen the Village's economic base and that are not incompatible with other land uses in the Village.

The following uses are permitted within this district:

- a. Manufacture, fabrication, packing, packaging, and assembly of products from furs, glass, leather, metals, paper, plaster, plastics, textile and wood;
- b. Manufacture, fabrication, processing, packaging and packing of confections, cosmetics, electrical appliance, electronic devices, food (except cabbage, fish, and vining), instruments, jewelry, pharmaceutical, tobacco, and toiletries;
- c. Freight yards, freight terminals, and trans-shipment depots;
- d. Inside storage;
- e. Stockyards;
- f. Recycling center and/or transfer station;
- g. Any similar uses not specifically listed.

The following uses are Prohibited Uses within this district:

- a. Residential, education, or institutional uses except a dwelling for a watchman employed on the premises and members of his family;
- b. Uses in conflict with Village or State ordinances governing nuisances;
- c. Abattoirs;
- d. Acid manufacture;
- e. Cement, lime, gypsum or plaster of paris manufacture
- f. Distillation of bones;
- g. Explosives manufacture or storage;
- h. Fat rendering;
- i. Fertilizer manufacture;
- j. Garbage, rubbish, offal or dead animal reduction dumping;
- k. Glue manufacture;
- l. Junk yards;
- m. Petroleum refining.

Within the M-1 district the following standards shall apply:

- a. Minimum Lot Area and Width: 20,000 sq. ft., 100 width.
- b. Minimum yards: Principal building, front 25 feet, side 10 feet, rear 25 feet. Accessory building, side 10 feet, rear 25 feet.
- c. Maximum Building Height: Two stories or 40 feet;
- d. Maximum Building Coverage: 50 percent.
- e. Required Buffer Strips: Where the M-1 Industrial District abuts or adjoins along a street line opposite a residential district, a buffer strip of not less than 15 feet shall be provided. Plant materials at least 6 ft. in height of such visual screen when viewed from residential district shall be planted within the buffer strip.

### 3.9 UNDEVELOPED LAND (A-1)

This District provides for the continuation of general agriculture and related uses in those areas not contiguous to existing urban development. The intent is to conserve areas with adequate soil types, drainage, and topography for farming and to prevent uneconomical scattering of resident, commercial, and industrial development in such areas.

The following uses are permitted within this district:

- a. General farming;
- b. Forestry, orchards, and truck farming;
- c. In-season roadside stands for the sale of farm products produced on the premises, and up to two unlighted signs not larger than 8 square feet each advertising such sale;
- d. Farm dwellings for those resident owners and workers actually engaged in the principal permitted uses;
- e. Uses customarily incidental to any of the above uses including residential uses incidental to any of the above uses;
- f. Essential services;
- g. Public park and recreation areas;

The following uses are permitted as conditional uses within this district:

- a. Single family residence on parcels not less than 15,000 sq. ft. in area provided it is determined that this smaller lot is to provide a site for housing accommodations for a member of the family of the property owner;
- b. Residential uses existing at the time of the creation of this district.

Within the district the following standards shall apply:

- a. Maximum Building Height: 35 ft. residential
- b. Minimum Front Yard Setback: 50 ft. from street right-of-way line
- c. Minimum Rear Yard Setback: 50 ft.
- d. Minimum Side Yard Setback: Principal Buildings, 20 feet Accessory Buildings, 10 feet
- e. Minimum Lot Width: 500 feet

- f. Minimum Lot Area: 10 acres
- g. Minimum Floor Area, Residences: 1,000 sq. ft.

### 3.10 RECREATION DISTRICT (REG)

This District is intended to preserve the natural state of scenic areas in the Village and to prevent the uncontrolled, uneconomical spread of residential or other development, and to help to discourage intensive development of marginal lands, particularly flood-plain lands and steep slopes, so as to prevent hazards to public and private property.

The following uses are permitted within this district:

- a. Flood mitigation facilities;
- b. Forestry and the management of woodlands;
- c. Wildlife preserves;
- d. The management of wildlife, including waterfowl, fish and other similar lowland animals, and nonresidential buildings used solely in conjunction with such activities;
- e. Hunting, fishing, and trapping;
- f. Park and recreation areas;
- g. Hiking trails and bridle paths;
- h. Preservation of areas of scenic, historic, or scientific value;
- i. Uses similar and customarily incidental to any of the above uses.

The following uses are permitted as conditional uses within this district: None

There are no setbacks, lot size, or other dimensional standards applicable in the conservancy district.

### 3.11 GROUNDWATER PROTECTION DISTRICT (GWP)

(a) *Purpose.* The residents of the Village of North Freedom depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Ordinance is to establish a groundwater protection overlay district to institute land use regulations and restrictions within a defined area which contributes water directly to the municipal water supply providing protection for the aquifer and municipal water supply of the Village of North Freedom and promoting the public health, safety and general welfare of Village residents.

(b) *Authority.* Statutory authority of the Village to enact these regulations was established by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection, in §59.97(1) {which has since been renumbered as §59.69(1)} and §62.23(7)(c), Wis. Stats., to the statutory authorization for county and municipal planning and zoning to protect the public health, safety and welfare. In addition, §61.35, Wis. Stats., the

Village has the authority to enact this ordinance, effective in the incorporated areas of the Village, to encourage the protection of groundwater resources.

(c) *Application.* The regulations specified in this Wellhead Protection Ordinance shall apply within the area surrounding each municipal water supply well that has been designated as a "Wellhead Protection Area" by the Village in the most recent & up to date wellhead protection plan, and are in addition to the requirements in the underlying zoning district, if any. If there is a conflict between this chapter and the zoning ordinance, the more restrictive provision shall apply.

(d) *GWP Groundwater Protection Overlay District Boundaries.* The location and boundaries of the zoning districts established by this chapter are set forth in the Village of North Freedom's most recent and up to date wellhead protection plan on the map titled "Wellhead Protection Area" [on file in the Village of North Freedom office] incorporated herein and hereby made a part of this ordinance. Said figures, together with everything shown thereon and all amendments thereto, shall be as much a part of this chapter as though fully set forth and described herein. This ordinance and thus promotes public health, safety, and welfare. The Groundwater Protection Overlay District is intended to protect the groundwater recharge area for the water supply from contamination.

(1) *Note:* Wellhead protection areas are derived from hydrologic studies and are based on the area surrounding a well where groundwater takes 5-years or less to travel from the land surface to the pumping well

(e) *Principal Uses.* The following uses are permitted in the Groundwater Protection Overlay District subject to the separation distances in Section (h) *Separation Distances*.

(1) Parks, playgrounds or wildlife areas, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.

(2) Non-motorized trails, such as bike, skiing, nature and fitness trails.

(3) Residential, commercial and industrial establishments that are municipally sewered and whose use, *Aggregate of Hazardous Chemicals* in use, storage, handling and/or production may not exceed 20 gallons or 160 pounds at any time, with the exception for those uses listed as "conditional" or "prohibited" in Sections 4 or 5 (Hazardous chemicals are identified by OSHA under 29 CFR 1910.1200(c) and by OSHA under 40 CFR Part 370.).

(4) Routine tillage, planting, and field management operations in support of agricultural crop production, where nutrients from legume, manure, and commercial sources are accounted for and credited toward crop nutrient need. The combination of all nutrient sources applied or available on individual fields may not exceed University of Wisconsin soil test recommendations for that field.

(f) *Conditional Uses.* In accordance with CHAPTER 16, SECTION 4-CONDITIONAL USES. The following uses may be conditionally permitted in the Groundwater Protection Overlay District subject to the separation distances in Section (h) *Separation Distances*.

- (1) Hydrocarbon, petroleum or hazardous chemical storage tanks.
- (2) Motor vehicle services, including filling and service stations, repair, renovation and body work.
- (3) Residential, commercial and industrial establishments that are municipally sewered and whose use, *Aggregate of Hazardous Chemicals* in use, storage, handling and/or production exceeds 20 gallons or 160 pounds at any time.
- (4) Stormwater infiltration basins
- (5) Geothermal wells, also known as ground source heat pump along with any associated piping and/or ground loop component installations.

(g) *Prohibited Uses.* The following uses are prohibited in the Groundwater Protection Overlay District.

- (1) Animal waste storage areas and facilities.
- (2) Application of fertilizer to manicured lawns or grasses in excess of the nutrient requirements of the grass.
- (3) Asphalt product manufacturing plants.
- (4) Dry cleaning establishments.
- (5) Fertilizer manufacturing or storage facilities.
- (6) Foundries and forge plants.
- (7) Hazardous chemical processing or manufacturing facilities.
- (8) Industrial liquid waste storage areas.
- (9) Landfills or other areas for dumping, disposal or transferring of garbage, refuse, recycling, trash, or demolition material, including auto salvage operations.
- (10) Metal reduction or refinement facilities.
- (11) Mining operations, including metallic, gravel pits, industrial or frac-sand mining.
- (12) Motor freight terminals.
- (13) Petroleum or hazardous chemical storage greater than 110 gallons in any single wall petroleum storage tank (double wall storage tanks installations shall meet the requirements of s. ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110).
- (14) Road salt or de-icing materials storage areas.

(h) *Separation Distances.* The following separation distances as specified in s. NR 811.12(5), Wis. Adm. Code, shall be maintained within the Groundwater Protection Overlay District.

- (1) Ten feet between a well and an emergency or standby power system that is operated by the same facility which operates the well and that has a double wall above ground

storage tank with continuous electronic interstitial leakage monitoring. These facilities shall meet the installation requirements of s. ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110.

- (2) Fifty feet between a well and a storm sewer main or a sanitary sewer main where the sanitary sewer main is constructed of water main class materials and joints. Gravity sanitary sewers shall be successfully air pressure tested in place. The air pressure test shall meet or exceed the requirements of the 4 psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer & Water Construction in Wisconsin. Force mains shall be successfully pressure tested with water to meet the AWWA C600 pressure and leakage testing requirements for one hour at 125% of the pump shut-off head.
- (3) Two hundred feet between a well field and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one or two family residential heating fuel oil underground storage tank or above ground storage tank or private onsite wastewater treatment system (POWTS) treatment tank or holding tank component and associated piping.
- (4) Three hundred feet between a well field and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it. These installations shall meet the most restrictive installation requirements of s. ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
- (5) Three hundred feet between a well field and any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy; other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of s. ATCP 93.260, Wis. Admin. Code, and receive written approval from the department of commerce or its designated Local Program Operator under s. ATCP 93.110, Wis. Admin. Code. These requirements apply to tanks

containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

- (6) Four hundred feet between a well field and a POWTS dispersal component with a design capacity of less than 12,000 gallons per day, a cemetery or a storm water retention or detention pond.
- (7) Six hundred feet between a well field and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it; any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy or other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy; and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the standard double wall tank or single wall tank secondary containment installation requirements of s. ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
- (8) One thousand feet between a well field and land application of municipal, commercial, or industrial waste; the boundaries of a land spreading facility for spreading of petroleum-contaminated soil regulated under state administrative regulations while that facility is in operation; agricultural, industrial, commercial or municipal waste water treatment plant treatment units, lagoons, or storage structures; manure stacks or storage structures; or POWTS dispersal component with a design capacity of 12,000 gallons per day or more.
- (9) Twelve hundred feet between a well field and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds ch. NR 140 enforcement standards; coal storage area; salt or deicing material storage area; any single wall farm underground storage tank or single wall farm above ground storage tank or other single wall underground storage tank or above ground storage tank that has or has not received written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110, Wis. Admin. Code, for a

single wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling or storage facilities.

*Existing Non-Conforming Uses.* In accordance with CHAPTER 13, SECTION 8-NONCONFORMING USES, STRUCTURES AND LOTS, the lawful nonconforming use of a structure or land existing at the time of the adoption or amendment of this Chapter may be continued although the use does not conform with the provisions of this Chapter. However, only that portion of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.

## SECTION 4 - CONDITIONAL USES

### 4.1 PERMITS

The Village Plan Committee may authorize the Village Board to issue a zoning permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this Ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

### 4.2 APPLICATION

Applications for zoning permits for conditional uses shall be made to the Village Board on forms furnished by the Village Board and shall include the following:

Name and Address of the applicant, owner of the site architect, professional engineer, contractor, and all opposite and abutting property owners of record.

Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site, type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located;

Site Plan showing all the information required under Section 2.5.

Additional Information as may be required by the Plan Committee or Village Board.

### 4.3 HEARINGS

The Village Plan Committee shall hold a public hearing upon each conditional use application giving Class 1 Notice.

### 4.4 REVIEW AND APPROVAL

The Plan Committee shall use the following standards when reviewing applications for conditional use: That the establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or reduce the values of other property; That adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided; That the conditional use conforms to all applicable regulations of the district in which it is located; That the conditional use conforms to the purpose and intent of the Village land use plans.

Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the plan commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.

Compliance with all other provisions of this Ordinance such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses. Variances shall only be granted as provided in Section 9.

Steps in Application for Conditional Use in Village:

- a. Application filed with Village Board, a fee of \$150.00 must accompany application;
- b. Class 1 notice given;
- c. Plan Committee conduct public hearing and takes final action to:
  - Approve
  - Approve with conditions
  - Reject

**Approval:** Following the public hearing and review of the conditional use application, the Plan Committee shall approve, disapprove, or further conditionally approve the application. A simple majority approval by the Plan Committee constitutes final approval of the conditional use. No further action by the Village Board is required.

**Recordkeeping:** Records of all Plan Committee actions approving conditional uses shall be maintained by the Village Board and shall be referred to in regard to enforcement and modification of conditional use approvals.

## SECTION 5 - TRAFFIC, PARKING AND ACCESS

### 5.1 TRAFFIC VISIBILITY

No obstructions, such as structures, parking, or vegetation shall be permitted in any district between the heights of 21/2 feet and 10 feet above the plane through the mean curb-grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 25 feet from their intersection. (Refer to diagram) This section does not include temporary snow piles created by the Village Public Works Department.

### 5.2 LOADING REQUIREMENTS

In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back onto any public way. Loading requirements stated above may be waived in the B-1 District by the Planning Committee after review of specific site conditions.

### 5.3 PARKING REQUIREMENTS

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

Adequate Access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for parking areas for less than 10 vehicles and 20 feet for parking lots for 10 or more vehicles.

Size of each parking space shall be not less than 180 square feet exclusive of the space required for ingress and egress.

Location to be on the same lot as the principal use or not over 400 feet from the principal use.

**Lighting:** Any lighting used to illuminate an off-street parking area shall be shaded or diffused in order to direct the light away from adjoining properties and adjoining streets.

**Screening of Parking Areas:** When a required off-street parking area for 6 cars or more is located within, adjoining or along a street line opposite a residential district or adjoining a public right-of-way in any district there shall be a landscape barrier or fence of suitable material of not less than 3 1/2 feet nor more than 6 feet in height along such lot lines.

**Surfacing:** All off-street parking areas shall be graded; and surfaced so as to be dust free and properly drained. Any parking areas for more than 5 vehicles shall have the aisles and spaces

clearly marked.

Curbs or Barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.

Number of Parking Stalls Required:

- a. Single family dwellings: 2 stalls for each dwelling unit.
- b. Multi-family dwellings (housing for the elderly exempted): 1.5 stalls for each dwelling unit.
- c. Hotels, motels: 1 stall for each guest room plus 1 stall for each 3 employees
- d. Hospitals, clubs, lodges, sororities, dormitories, lodging and boarding houses: 1 stall for each 2 beds, plus 1 stall for each 3 employees
- e. Rest and nursing homes: 1 stall for each 5 beds, plus 1 stall for each 3 employees
- f. Medical and dental clinics: 3 stalls for each doctor
- g. Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly: 1 stall for each 10 seats
- h. Colleges, secondary and elementary schools: 1 stall for each 2 employees
- i. Restaurants, bars, places of entertainment, repair shops retail and service stores: 1 stall for each 300 square feet of floor area
- j. Manufacturing and processing plants, laboratories, and warehouses: 1 stall for each 3 employees
- k. Financial institutions, business, governmental, and professional offices: 1 stall for each 300 square feet floor area
- l. Funeral home: 1 stall for each 4 seats.
- m. Bowling alleys: 5 stalls for each alley

Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

Uses Not Listed: In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.

## SECTION 6 - MODIFICATIONS

### 6.1 HEIGHT

The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modifications shall be in accord with the following:

Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this Ordinance.

Special Structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, windmills, substations, smoke stacks and solar collectors, are exempt from the height limitations of this Ordinance.

Essential Services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Ordinance.

Communication Structures, such as radio and television transmissions and relay towers, aerials, and observation towers, shall not exceed in height 3 times their distance from the nearest lot line.

Agricultural Structures such as barns, silos, and windmills shall not exceed in height twice their distance from the nearest lot line.

Public or Semi-public Facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of 60 feet provided all required yards are increased not less than 1 foot for each foot the structure exceeds the District's maximum; height requirement.

### 6.2 YARDS

The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

Uncovered Stairs, landings and fire escapes may project into any yard but not to exceed 6 feet and not closer than 3 feet to any lot line.

Architectural Projections, such as chimneys, flues, sills, eaves, belt courses, ornaments, and solar collectors may project into any required yard.

Residential Fences are permitted 1 foot from property line with written variance of adjoining property owner in residential districts, but shall not in any case exceed height of 6 feet; shall not exceed a height of 4 feet in the

front yard and shall not be closer than 2 feet to any public right-of-way.

Security Fences are permitted on the property lines in all districts except residential districts, but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

Accessory uses and detached accessory structures are permitted in the rear yard only.

Essential Services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.

Landscaping and vegetation are exempt from the yard requirements of this Ordinance.

#### 6.3 ADDITIONS

Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

#### 6.4 AVERAGE STREET YARDS

The required street yards may be decreased in any residential or business districts to the average of the existing street yards of the abutting structures on each side. Where the established setback in any residential or business district; is greater than the minimum required, no structure shall be permitted to extend in front of the established building setback line.

On a reversed corner lot each yard abutting a street shall be governed by the front yard requirements.

## SECTION 7 - SIGNS

### 7.1 PERMIT REQUIRED

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit except those signs excepted in Section 7.2 and without being in conformity with the provisions of this Ordinance. The sign shall also meet all the structural requirements of the building code. Permits will be issued by the Village Board. Fee of \$7.50 per chapter 14.11(2)

### 7.2 SIGNS EXCEPTED

M1 signs are prohibited in all residential, agricultural districts except the following:

Signs over Show Windows or Doors or a nonconforming establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed 2 feet in height and 10 feet in length.

Real Estate Signs not to exceed 8 sq. ft. in area which advertise the sale, rental, or lease of the premises upon said signs are temporarily located.

Name, Home, Occupation, Professional Office, and Warning Signs not to exceed 2 sq. ft. located on the premises.

Farm Signs giving the name of the farm, farm owner, or commodities produced shall not exceed 15 sq. ft. in total area.

Bulletin Boards for public, charitable or religious institutions not to exceed 8 sq. ft. in area located on the premises.

Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

Official Signs, such as traffic control, parking restrictions, information, and notices.

Temporary Signs or banners when authorized by the Plan Committee.

### 7.3 SIGNS PERMITTED

Signs are permitted in all business and manufacturing districts subject to the following restrictions:

Wall Signs placed against the exterior walls of building shall not extend more than 6" outside of a building's wall surface, shall not exceed 200 sq. ft. in area for any one premises, and shall not exceed 15 ft. in height above the mean centerline street grade.

Projecting Signs fastened to, suspended from, or supported by structures shall not exceed 100 sq. ft. in area for any one premises; shall not extend more than 6 ft. into any required yard; shall not extend more than 3 ft. into any public right-of-way; shall not be less than 10 ft. from all side lot lines; shall not exceed a height of 15 ft. above the mean centerline street grade; and shall not be less than 10 ft. above the sidewalk nor 15 ft. above a driveway or an alley.

Ground Signs shall not exceed 15 ft. in height above the mean centerline street grade, shall meet all yard requirements for the district in which it is located, shall not exceed 100 sq. ft. in total advertising area.

Roof Signs shall not exceed 10 ft. in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 150 sq. ft. on all sides for any one premises.

Window Signs shall be placed only on the inside of commercial buildings and shall not exceed 25% of the glass area of the pane upon which the sign is displayed.

Combinations of any of the above signs shall meet all the requirements for the individual sign.

#### 7.4 TRAFFIC

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape. No signs shall be placed so as to obstruct or interfere with traffic visibility.

#### 7.5 EXISTING SIGNS

Signs lawfully existing at the time of the adoption or amendment of this ordinance may be continued although the use, size, or location does not conform with the provisions of this ordinance. However, it shall be deemed a nonconforming use or structure and the provisions of Section 8.0 shall apply.

#### 7.6 SIGN REMOVAL

At the termination of an advertised use, all signs advertising that use shall be removed from public view within 30 days. Responsibility for violations shall be with the property owner according to the latest tax roll listing.

#### 7.7 SIGNS GENERAL

No flashing, moving, or apparent moving signs shall be permitted except for time and temperature and changeable copy displays. Lighted signs shall be shielded to prevent glare onto adjoining properties or onto the public street. No sign shall be placed on a tree.

## SECTION 8 - NONCONFORMING USES, STRUCTURES, AND LOTS

### 8.1 EXISTING NONCONFORMING USES

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption nor amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; however,

Only that Portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged reconstructed, substituted, moved, or structurally altered except when required to do so by law or order so as to comply with the provisions of this Ordinance.

Total Lifetime Structural Repairs or alterations shall not exceed 50% of the Village's current equalized value of the structure unless it is permanently changed to conform to the use provisions of this Ordinance.

Changes of Use may be permitted by the zoning board of appeals if such changes will reduce the incompatibility of the nonconforming use with the neighboring uses.

### 8.2 ABOLISHMENT OR REPLACEMENT

If such nonconforming use is discontinued or terminate for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than 50% of its current assessed value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

### 8.3 EXISTING NONCONFORMING STRUCTURES

The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the width, lot area, yard, height, parking and loading, and access provisions of this Ordinance; however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order so as to comply with the provisions of this ordinance.

### 8.4 CHANGES AND SUBSTITUTIONS

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure.

## SECTION 9 - BOARD OF ZONING APPEALS

### 9.1 ESTABLISHMENT

There is hereby established a Board of Zoning Appeals Village of North Freedom for the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of this Ordinance in harmony with the purpose intent of the Zoning Ordinance.

### 9.2 MEMBERSHIP

The Board of Zoning Appeals shall of consist 5 members appointed by the Village President and confirms Village Board.

Terms shall be for staggered three-year periods.

Chairman shall be designated by the Village Preside

An Alternate Member may be appointed by the Village President for a term of 3 years and shall act only when a regular member is absent or refuses to vote because of conflict of interest.

Secretary shall be the Village Clerk.

A Representative of the Planning Committee shall attend all meetings for the purpose of providing technical assistance when requested by the Board.

Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within 10 days of receiving notice of this appointment.

Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

### 9.3 ORGANIZATION

The Board of Zoning Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.

Meetings shall be held at the call of the chairman and shall be open to the public.

Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, the reasons for the Board's determine, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.

The Concurring Vote of 4 members of the Board shall be necessary to correct an error; grant a variance make an interpretation; and permit a utility, temporary, unclassified, or substituted use.

#### 9.4 POWERS

The Board of Zoning Appeals shall have the following powers:

Errors: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official or body in the course of enforcing this Ordinance.

Variances: To hear and grant appeals for variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.

Substitutions: To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Village Plan Committee has made a review and recommendation. Whenever the Board permits substitution, the use may not hereafter be changed without application.

#### 9.5 APPEALS AND APPLICATIONS

Appeals may be made by any person aggrieved or by an officer, department, board, or commission of the Village. Such appeals shall be filed with the secretary within 30 days after the date of written notice of the decision or order of the Village board. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following:

Name and Address of the appellant or applicant and all abutting and opposite property owners of record,

Site Plan showing all of the information required under Section 2.03 for a Zoning Permit.

Additional Information required by the Village Plan Committee, Village Engineer, Board of Zoning Appeals, or Village Board.

#### 9.6 HEARINGS

The Board of Zoning Appeals shall fix a reasonable time and place for the hearing, give Class 1 notice thereof. All hearings shall be open to the public. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.

9.7 FINDINGS

The party requesting the variance shall bear the burden of proof. No variance to the provisions of this ordinance shall be granted by the Board unless it finds to a reasonable degree of certainty to the satisfaction of the Board that all the following facts and conditions exist and so indicates in the minutes of its proceedings.

Exceptional Circumstances: There must exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

Preservation of Property Rights: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

Absence of Detriment: That the variance will not create a substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

9.8 DECISION

The Board of Zoning Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or application, Village Board, Village Plan Committee.

Conditions may be placed upon any zoning permit ordered or authorized by this Board. Approvals granted by the Board shall expire within 6 months unless substantial work has commenced pursuant to such grant.

9.9 REVIEW BY COURT OF RECORD

Any person or persons aggrieved by any decision of the Board of Zoning Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Zoning Appeals.

Steps for Appeals to Board of Zoning Appeals:

- a. Application filed with Village Board, a fee of \$350.00 must accompany application;
- b. Class 1 Notice given;
- c. Board of Zoning Appeals conducts public hearing and

takes final action:

- Approve
- Approve with condition
- Reject

## SECTION 10 - CHANGES AND AMENDMENTS

### 10.1 AUTHORITY

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Village Board of Trustees may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this Ordinance or amendments thereto.

Such Change or Amendment shall be subject to the review and recommendation of the Village Plan Committee.

### 10.2 INITIATION

A change or amendment may be initiated by the Village Board, or any member thereof, Village Plan Committee or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

### 10.3 PETITIONS

Petitions for any change to the District boundaries or amendments to the regulations shall be filed with the Village Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:

Plot Plan drawn to a scale of 1" = 100' showing the area proposed to be rezoned, its locations, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 ft. of the area proposed to be rezoned.

Owner's Names and Addresses of all properties lying within 200 ft. of the area proposed to be rezoned.

Additional Information required by the Village Plan Committee or Village Board.

### 10.4 RECOMMENDATIONS

The Village Plan Committee shall review all proposed changes and amendments within the corporate limits, conduct a public hearing (with Class 2 notice), and shall recommend that the petition be granted as requested, modified,

### 10.5 VILLAGE BOARD'S ACTION

Following such hearing and after careful consideration of the Village Plan Committee's recommendations, the Village Board shall vote on the passage of the proposed change or amendment.

Steps for Zoning Amendment within Village Limits:

- a. Petition filed with Zoning Administrator, a fee of \$450.00 must accompany application;
- b. Class 2 notice given;
- c. Village Plan Committee holds public hearing;
- d. Plan Committee send recommendation;
- e. Village Board takes final action:
  - Approve
  - Amend
  - Reject

PROTEST

In the event of a protest against such district change or amendment to the regulations of this Ordinance, duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed change or by the owners of 20% or more of the land immediately extending 100 ft. from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths of the full Village Board membership.

## SECTION 11 - DEFINITIONS

For the purpose of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this section shall be presumed to have the customary dictionary definitions.

**Accessory Use or Structure:** A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.

**Alley:** A special public right-of-way affording only secondary access to abutting properties.

**Animal Unit:** One animal unit shall be defined as being the equivalent of one cow, one 1000 Lb. steer or bull, four hogs, ten sheep, ten goats, 100 poultry, one horse or pony.

**Arterial Street:** A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.

**Basement:** That portion of any structure located partly below the average adjoining lot grade.

**Building:** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

**Building Area:** The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

**Building Height:** The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs, to the mean height level between the eaves and ridges of gable, gambrel, hip, and pitch roofs; or to the deck line of mansard roofs.

**Classes of Notice:** References in this Ordinance to Class 1 and Class 2 notices refer to Chapter 985 of the Wisconsin Statutes.

**Clothing Repair Shops:** Shops where clothing is repaired as shoe repair shops, seamstress, tailor shops, shoe shine shops, clothes pressing shops, but not employing over 5 persons.

**Clothing Stores:** Retail stores where clothing is sold, such as department stores, dry goods and shoes stores hosiery, and millinery shops.

**Commercial Livestock Operation:** An animal confinement facility used or designed for the feeding or holding of more than 400 animal units for 30 days or more.

**Commercial Poultry Operation:** A confinement facility used or designed for the raising of more than 150 animal units for egg or meat production.

**Conditional Uses:** Uses of a special nature as to make impractical their predetermination as a principal use in a district.

**Dwelling Unit:** A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

**Efficiency:** A dwelling unit consisting of one principal room with no separate sleeping room.

**Equalized Value:** Means the assessed full value adjusted to reflect the full value as determined under WI. Stats. 70.57.

**Essential Services:** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These service include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

**Family:** Any number of persons related by blood, adoption, or marriage, or not to exceed 4 persons not so related, living together in one dwelling as a single housekeeping entity.

**Government Uses:** Includes all public uses and facilities including parks.

**Frontage:** The smallest dimension of a lot abutting a public street measured along the street line.

**Dwelling, Multiple Family:** A residential build designed for or occupied by two or more families, with the number of families in the residence not to exceed the number units provided.

**Home Occupation:** Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed 20% of the area of any floor, uses only household equipment, and no stock in trade is kept or sold except that made on the premises. A household occupation includes uses such as babysitting, millinery, dressmaking, canning, laundering and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate,

brokerage or photographic studios.

**Loading Area:** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

**Lot:** A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this ordinance.

**Lot Lines and Areas:** The peripheral boundaries of a parcel of Land and the total area lying within such boundaries.

**Lot Width:** The width of a parcel of land measured at the rear of the specified street yard.

**Machine Shops:** Shops where lathes, presses, grinders, shapers and other wood and metal working machines are used such as blacksmith, tinsmith, welding and sheet metal shops, plumbing, heating and electrical repair and overhaul shops.

**Minor Structures:** Any small, movable accessory erection or construction such as birdhouses, tool houses, pethouses, play equipment, arbors and walls and fences under 4' in height.

**Mobile Home:** A vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction. Any mobile home fitting the definition of a mobile home as set out above shall be designated a mobile home regardless of whether the plans for the mobile home include a concrete foundation, a basement, utility hookup, attachments, additions, annexes, foundations, and appurtenances. The above definition does not apply to double-wide prefabricated homes to be constructed on permanent foundations.

**Mobile Home Park:** Any lot on which 5 or more mobile homes are parked for the purpose of temporary or permanent habitation.

**Motel:** A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

**Nonconforming Uses or Structures:** Any structure, land, or water lawfully used, occupied, or erected at the time of which affective date of this Ordinance or amendments thereto which does not conform to the regulations of this Ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

**Parking Lot:** A structure or premises containing 10 parking or more parking spaces open to the public for rent or a fee.

**Parking Space:** A graded and surfaced area of not less than 180

sq. ft. in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

**Parties of Interest:** Includes all abutting property owners, all property owners within 100 ft., and all property owners of opposite frontage.

**Professional Home Offices:** Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office does not exceed one-half of the area of one nonresident person is employed.

**Rear Yard:** A yard extending across the full width of the lot, and depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.

**Renovation:** A general upgrading of the buildings interior and exterior appearance. Exterior improvements can include cleaning and painting, and will often involve a substantial change to shopfront and sign. Interior rehabilitation can include the upgrading of electrical, mechanical, or structural elements and new interior design.

**Restoration:** The reinstatement of original architectural integrity of structural form to quality buildings of the past, but does not necessarily extend to a reinstatement of the past use of the building.

**Side Yard:** A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

**Signs:** Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.

**Small Livestock and Poultry:** For purposes of this Ordinance, small livestock shall be limited to animals weighing less than 20 lbs.

**Street Yard:** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. corner lots shall have two such yards.

**Street:** A public right-of-way not less than 66 ft. wide providing primary access to abutting properties.

**Structure:** Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.

**Structural Alterations or Repairs:** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

**Utilities;** Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks power and communication transmission lines, electrical power substations, static transformer stations, telephone and telephone exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

**Yard:** An open space on the same lot with a structure unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

## SECTION 12 – RESIDENTIAL HOSPITALITY RENTAL LICENSING

### **12.1 Definitions**

1. "Property Manager" means a person who is not the property owner and who provides property management services for one or more residential hospitality rentals and who is authorized to act as the agent of the property owner for the receipt of service of notice of municipal ordinance violations and for service of process pursuant to this ordinance.
2. "Property Owner" means the person who owns the residential dwelling that is being rented.
3. "Residential Dwelling" means any building, structure, or part of the building or structure, that is used or intended to be used as the property owner's primary or secondary home, residence, or sleeping place by one or more persons maintaining a common household, to the exclusion of all others.
4. "Residential Hospitality Rental" means a residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days. There are two (2) forms of Residential Hospitality Rental:
  - a. Overnight rental. A residential dwelling in the commercial district that is offered for rent for a fee for six or fewer consecutive days.
  - b. Short-term rental. A residential dwelling in the residential district that is offered for rent for a fee for more than six and fewer than 30 consecutive days as defined in Wis. Stat. sec. 66.0615(1) (dk) and (2) (a).

### **12.2 Residential Hospitality Rental License**

1. No person may maintain, manage, or operate a residential hospitality rental more than 10 nights each year without a residential hospitality rental license issued pursuant to this ordinance.
2. Licenses shall be issued using the following procedures:
  - a. All applications for a residential hospitality rental license shall be filed with the Village clerk on forms provided. Applications must be filed by the Property Owner. No license shall be issued unless the completed application form is accompanied by the payment of the required application fee.
  - b. The Village clerk shall issue a residential hospitality rental license to all applicants following payment of the required fee, receipt of all information and documentation requested by the application, and Village board approval of the application.
  - c. A residential hospitality rental license shall be

effective for one year and may be renewed for additional one-year periods. A renewal application and renewal fee must be filed with the Village clerk at least 45 days prior to license expiration so that the Village board has adequate time to consider the application. The renewal application shall include any updated information since the filing of the original application. An existing license becomes void and a new application is required any time the ownership of a residential dwelling licensed for residential hospitality rental changes.

- d. The Village board may suspend, revoke, or non-renew a residential hospitality rental license following a due process hearing if the board determines that the licensee: a) failed to comply with any of the requirements of this ordinance; b) has been convicted or whose Property Manager or renters have been convicted of engaging in illegal activity while on the residential hospitality rental premises on 2 or more separate occasions within the past 12 months; or c) has outstanding fees, taxes, or forfeitures owed to the Village.

### **12.3 Operation of a Residential Hospitality Rental**

Each residential hospitality rental shall comply with all of the following requirements:

1. A short-term rental must be the property owner's primary or secondary residential dwelling.
2. Short-term rentals are subject to the following specific time limitations:
  - a. The total number of days of operation within any 365 day period of an annual license shall not exceed 180 consecutive days. The 180 day period of consecutive rental operation shall be specified in the owner's application.
  - b. Rentals shall be a minimum of seven consecutive days by any one party.
  - c. Rentals must be to the same one renter per seven-day period. The renter can rent for one day or up to all seven days or more, but if the rental is for less than all seven days, no other rental may occur of the remainder of that seven-day period.
3. Each residential hospitality rental shall provide a register and require all guests to register their true names, addresses and rental days before beginning occupancy of the residential hospitality rental. The register shall be kept intact and available for inspection by representatives of the village for a least one year.
4. The Property Owner or Property Manager shall notify the village clerk in writing when the first rental within a 365-day period begins.

5. No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees.
6. Any activities at the residential hospitality rental will observe the village quiet hours of 10:00 p.m. to 7:00 a.m. and will not create nuisance conditions.
7. A local property management contact (either the Property Owner or an appointed Property Manager) must be on file with the village at all times and must be located within 25 miles of the residential hospitality rental. The Property Owner and/or Property Manager must provide the village with current contact information and must be available 24 hours a day, 7 days a week by telephone. The village must be notified within 24 hours of any change in contact information.
8. Each residential hospitality rental shall maintain a register and require all guests to register with their actual names and addresses. The register shall be kept on file for at least one year. The register shall also include the time period for the rental and the monetary amount or consideration paid for the rental.
9. Each residential hospitality rental shall hold a valid State of Wisconsin Tourist Rooming House License and shall provide proof of such license by attaching a copy to the initial license application and all subsequent renewal applications.

#### **12.4 Penalties**

Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$250 nor more than \$750, plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues, constitutes a separate offense under this ordinance.

Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this ordinance or otherwise.

#### **12.5 Fees**

Initial Residential Hospitality Rental License Application fee: \$500

Renewal Residential Hospitality Rental License Application fee: \$100